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REPORT DATED AUGUST 4, 2015](#)



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August 4, 2015

To: Mayor Michael D. Antonovich
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From: Sachi A. Hamai
Interim Chief Executive Officer

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FISCAL ANALYSIS OF THE DISTRICT ATTORNEY'S VICTIMS SERVICES STRATEGIC PLAN (ITEM NO. S-1, AGENDA OF NOVEMBER 12, 2014)

On November 12, 2014, the Board approved a motion that directed the District Attorney (DA) to work with the Chief Executive Officer (CEO) to develop a comprehensive Victims Services Strategic Plan (VSSP) and fiscal analysis and report back to the Board at the same time the Comprehensive Diversion Plan for the Mentally Ill report is presented. This report is submitted in response to the Board's motion and will outline the CEO's preliminary fiscal analysis of the draft report submitted by the DA to our office on July 15, 2015.

The CEO analysis will focus on two main components included in the DA's report:

1) Victim Witness Assistance Program (VWAP) – Direct Services

The VWAP provides emergency assistance to endangered victims and their family members and crisis intervention for victims in need of medical treatment. The majority of the staff assigned to this program are Victim Services Representatives (VSR) who work as advocates and are the first point of contact for victims for access to available services.

2) Restitution Enhancement Program (REP)

The REP provides compensation to eligible victims of violent crimes and reimbursement of crime-related expenses. The program includes a team of paralegals who act as liaisons between attorneys, court personnel, other county departments and victims to obtain information and documentation necessary to obtain court orders for restitution.

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The DA has indicated that additional staffing resources are needed to improve the current services available to victims, as well as address gaps in services. Below is a analysis of the aforementioned programs which includes a program description, department's budget request and background, and CEO fiscal analysis and recommendation.

VICTIM WITNESS ASSISTANCE PROGRAM (VWAP) – DIRECT SERVICES

Pursuant to Penal Code Section 13835.2, VWAP has been the major provider of comprehensive services to victims of crime in Los Angeles County (County) since 1977. The Board also designated the DA's Office to be the "local agency" responsible for providing services to victims. VWAP was established to implement a decentralized, prosecution-based victim assistance program to provide mandatory and optional victim services throughout the County. VWAP is structured to meet the needs of victims and witnesses as they enter the criminal justice system; and to help stabilize them emotionally and financially in order to minimize trauma. VSR's work as victim advocates and are assigned to one of the twenty-seven victim resource offices throughout the County. VWAP's Direct Services Division consists of forty-seven positions of which thirty-six are grant funded. Accordingly, the primary source of funding for this program is through State and federal grants administered by the California Office of Emergency Services.

Department's Additional Budget Request and Background

	FY 2014-15 Approved Adjustments	FY 2015-16 Funding Requested	FY 2015-16 Recommended Budget*
Ongoing Funding	\$485,000	\$957,000	\$500,000
One-time Funding	--	--	--
Total Positions	7.0	13.0	--

*Funding set aside in the Provisional Financing Uses (PFU) Budget

Fiscal Year 2014-15

The DA's office requested, and the Board approved as part of the Fiscal Year (FY) 2014-15 Recommended Budget, \$200,000 in Net County Cost (NCC) for three VSR II positions to create the Marsy's Law Unit, which would be responsible for implementing policies specified in Proposition 9. The new law primarily expanded the responsibilities of the DA which now requires that they notify victims and their families of their rights in cases within its purview.

During FY 2014-15 Supplemental Changes, the Board approved the DA's request for \$285,000 in NCC for three VSR IIs and one Supervising VSR position to provide assistance and support to victims and witnesses of crimes in areas affected by the previous closures of community-based organizations (CBO). Victims must now seek assistance directly through the DA's Office.

Fiscal Year 2015-16

During FY 2015-16 Recommended Budget, in response to the Board's motion of November 12, 2014 directing the DA to develop a comprehensive VSSP, the DA's Office requested 13 additional positions for the VWAP to do the following: (1) establish new sites; (2) expand services to victims of non-violent crimes while continuing to prioritize services for victims of violence and threats of violence; (3) increase service levels at existing sites; (4) add specialized advocacy units; and (5) identify gaps in services which cannot be provided by Community Based Organizations. The 13 positions requested by the DA were as follows:

- 10.0 VSR II's
- 1.0 Intermediate Clerk
- 1.0 Supervising VSR
- 1.0 Assistant Program Administrator

CEO Fiscal Analysis

The DA's draft report submitted to our office on July 15, 2015 indicates a need for ten additional VSR II positions. Therefore, our analysis will only focus on the ten positions identified in the DA's report and not the thirteen submitted during FY 2015-16 Recommended Budget.

In addition, the DA has also identified the following additional gaps in services (ten proposals submitted) that are either not covered or adequately covered through the California Victim Compensation Program (CalVCP):

- Short term housing
- Crime scene clean up - automobile
- Food
- Funeral/burial costs
- Car impound fees
- Coroner fees
- Compensation benefits for housing relocation
- Long term transitional housing
- Necessary medical procedures

- Compensation for victims of financial crimes not covered by CalVCP Financial losses incurred by all victims who participate in the criminal justice system

We will continue to work with the DA to determine the financial impact that such services would have on the County if they were to be implemented. We will return to the Board with an updated analysis that will include the staff, operational, technological and financial resources needed to move forward with the DA's recommended ten proposals, such as the annual population to be served by each program, a review of the methodology used to determine the estimated number of clients/participants, and an estimated annual cost for each service.

Currently, the DA has 27 victim resource centers. These offices are located strategically throughout the County in courthouses, police stations and special prosecution units. Six sites have been identified as underserved and the DA is requesting to add one additional VSR at each of these sites to: (1) increase access to services by victims given the size of the County's geographical service area; (2) address increases in workload and gaps in service delivery; and (3) provide on-site staffing resources at courts and/or law enforcement stations where they currently do not exist. The remaining four positions will be used to create one new site for the Santa Clarita area, provide specialized assistance and advocacy services to victims of hate crimes, human trafficking, and financial crimes. To do so, the DA will open three new sites namely, the Fraud and Financial Crimes Victim Services Program (FFCVSP), Santa Clarita Program, and the Hate Crimes Unit.

The additional positions will give the DA the opportunity to re-open sites that were previously closed due to a reduction in grant funding and to reduce the ratio of VSR's to crime victims. In 2012, there were approximately 45,000 victims and the DA was only able to reach or provide services to about 20,000; less than one-half. In order for the DA to provide services to a greater number of victims, additional resources are needed; especially in communities where service levels are already strained. For example, per the DA's report, in 2013, the City of Compton experienced 22 homicides in less than 8 months, 15 of which were gang related. Currently the DA has two VSRs assigned to the Compton resource center, but the DA is challenged to meet the high demand for services given the high crime rate and high volume of victims, many of which are working poor, unemployed and/or have little to no English proficiency. Another example given by the DA is in North County, particularly Antelope Valley, which has experienced a significant increase in violent crimes along with an increase in population. In 2012, serious and violent crimes in Lancaster increased by 16% and in Palmdale by 3.5%; including sexual assault which rose up to 26% in Palmdale and 36% in Lancaster. Currently, the DA only has two VSRs assigned to the Antelope Valley resource center. Finally, using 2012 statistics, the DA further indicates that the ratio of VSRs to victims countywide is approximately 1:768.

The DA's VSSP consists of placing more victim sites strategically in communities with high violent crime rates and marginalized populations. Ten additional VSR's would enable the DA to decrease the service ratio to approximately one VSR to 655 victims (based on 2012 statistics). It should also be noted that not every victim seeks services through the DA's office, but having additional resources will allow the department, at a minimum, to make sure that victims are aware of their rights and have access to the full range of services available.

Underserved Locations/Programs	Current Staff	Additional Staff	Total
Airport/LASD – West Hollywood	1	1	2
Antelope Valley/LASD – Palmdale/Lancaster	2	1	3
Civic Center	1	1	2
Compton/LASD – Compton	2	1	3
Pasadena/Glendale/Burbank	1	1	2
Torrance/LASD – Lennox	1	1	2
New Specialized Sites			
Fraud/Financial Crimes Victim Services	--	2	2
Santa Clarita Program	--	1	1
Hate Crimes Unit	--	1	1
TOTAL	8	10	18

The estimated annual cost for the 10 VSR II positions is \$719,000. During FY 2015-16 Recommended Budget, the CEO set aside \$500,000 in PFU to address this anticipated need. If additional NCC is not available, funding in PFU would offset the costs of approximately seven VSR II positions.

CEO's Recommendation

- 1) Appropriate the \$500,000 in PFU to the DA's office to fund seven VSR II positions.
- 2) Recommend that the DA pursue additional funding from state and federal grants programs to increase the number of VSR's in the County.
- 3) Recommend that the DA provide an updated statistical analysis in FY 2016-17 Recommended Budget to determine if the remaining three requested VSRs are necessary at the identified sites. Recent statistics show there has been a steady decline in the rate of incidents of violent crime over the past several years.

RESTITUTION ENHANCEMENT PROGRAM (REP)

The REP provides compensation for eligible victims of violent crimes and reimbursement of crime-related expenses. The paralegal acts as a liaison between attorneys, court personnel, and victims to obtain information and documentation on economic losses sustained from being a victim of crime. Accordingly, the paralegals work closely with deputy district attorneys to obtain court orders for restitution on behalf of victims in cases which the financial losses associated with the crime exceeds \$2,500. Paralegals also work with the Los Angeles County Probation Department (Probation) and the California Department of Corrections and Rehabilitation to collect restitution. According to the DA's 2012 statistics, the department is providing restitution services to less than half of all victims of violent crime in the County.

Department's Additional Budget Request and Background

	FY 2014-15 Approved Adjustments	FY 2015-16 Funding Requested	FY 2015-16 Recommended Budget
Ongoing Funding	--	\$439,000	--
One-time Funding	--	--	--
Total Positions	--	5.0	--

The REP currently operates with a staffing level that includes nine paralegals at six different sites. Six paralegals are funded by the general fund and are tasked primarily with assisting in obtaining court orders to help victims with their constitutional right to restitution (i.e., to recover financial losses resulting from the crime). These paralegals ensure the restitution orders are appropriately submitted and with the collection of supporting documentation showing the incurred losses. The paralegals also provide litigation support, especially when the restitution order is contested by the defendant. Finally, they are also responsible for forwarding the victims contact information, confidentially, to the California Department of Corrections and Rehabilitation, Probation and other governmental agencies involved in restitution collection and subsequent distribution.

The remaining three paralegals are called the California Restitution Compact Paralegals (CRCP) and are funded by a Joint Powers contract awarded to the County every three years and renewed at the discretion of CalVCP Board. The paralegals are responsible for processing victim compensation claims locally. The CRCP's work exclusively to facilitate court orders on behalf of CalVCP to recoup pay outs made by victims from the State Victim Compensation Fund for claims such as funeral burial; mental health counseling, medical treatment and other eligible expenses paid from the fund to victims.

The DA is seeking additional resources in the amount of \$439,000 to add five paralegals in five new sites to increase restitution to crime victims and to also mitigate the gap in restitution collection created by the passage of Assembly Bill (AB) 109.

CEO's Fiscal Analysis

The REP is currently understaffed and responsible for serving an expansive geographic area which is neither efficient nor cost-effective due to the significant amount of time spent commuting by the paralegals. Currently, paralegals work in multiple court locations and may at times be required to cover up to three court locations in a single week. By doing so, the DA indicates it has affected the administration of the claims process, such as ensuring orders are obtained in amounts that fully compensate the victims, timely submissions of supporting documentation for claims, and the issuance of a valid restitution order in all eligible cases. As previously stated, the DA's office relies on only nine paralegals to service all victims in the County. As a result of the coverage issues, there has been a decline in the amount of restitution orders obtained between 2008 and 2014. In 2008, total restitution amount ordered was approximately \$24,000,000 and in 2013 that amount dropped to \$11,000,000.

In addition, AB 109 did not include a mechanism for collecting restitution from individuals convicted and sentenced to county jail or those on post-release community supervision. However, effective January 1, 2015, Penal Code Section 2085.6 authorizes collection from individuals convicted and sentenced to county jail; defendants on mandatory supervision following release from county jail; and from defendants on post-release community supervision.

Accordingly, the DA's staffing plan will address understaffed areas and assist in the implementation of a local collection system - an inmate wage and trust accounts in County jail can be accessed to satisfy court orders for restitution.

Locations	Current Staff	Additional Staff	Total
Airport	1	--	1
Central Trials	1	--	1
CRCP (grant funded)	3	--	3
Long Beach	1	--	1
Norwalk/Bellflower/Downey/Metro	1	--	1
Pasadena/Glendale/Alhambra	1	--	1
Torrance/Inglewood	1	--	1
New Sites			
Antelope Valley	--	1	1
Compton	--	1	1

Pomona/El Monte/West Covina	--	1	1
San Fernando/Santa Clarita	--	1	1
Van Nuys	--	1	1
Total Positions	9	5	14

CEO's Recommendation

The REP taskforce agencies continue to review the proposed processes that will be required to implement a local collection system and increase restitution orders on behalf of victims in all criminal cases. Although, the full impact and resources needed to implement this new program is unknown at this time, the CEO recommends the following:

- 1) Provide funding in the amount of \$439,000 to add five paralegals at five new sites as requested by the DA.
- 2) Recommend that the DA provide an updated analysis in FY 2016-17 Recommended Budget to determine if the proposed staffing level of fourteen paralegals can handle their existing duties as well as absorb the additional duties of local collection system.

Conclusion

Pursuant to the Board's direction, the DA has developed a VSSP that identifies resources needed to ensure a more coordinated approach to the delivery of services to victims of crimes; expands access to services; and promote an effective, culturally and crime sensitive service delivery model that ultimately improves the health, safety and well-being of victims of crimes. The DA identified critical gaps in victim services that not only require immediate attention but much needed additional resources.

In our analysis, we determined that in order to serve a larger population of crime victims, the County needs to be more readily accessible (i.e., establish more sites) and better staffed at our existing sites to not only meet the current demands but address the specialized services and advocacy required by culturally diverse county residents.



COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE




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August 4, 2015

TO: Supervisor Michael D. Antonovich, Mayor
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe

FROM: Lydia Bodin 
Chair, CCJCC Restitution Collection Taskforce
Deputy in Charge, Los Angeles County District Attorney's Restitution
Enhancement Program (REP)

SUBJECT: Collection of Victim Restitution from Individuals in Custody or Under
Community Supervision Due to Public Safety Realignment
(Item No. S-1 – November 12, 2014 Agenda)

On November 12, 2014, your Board directed the Countywide Criminal Justice Coordination Committee (CCJCC) to establish a taskforce to develop recommended local processes for collecting restitution from offenders in county jail pursuant to a Penal Code section 1170 (h) sentence. PC 1170 (h), enacted through Public Safety Realignment legislation, establishes local custody and/or community supervision of specified felony offenders in lieu of state prison.

The taskforce first convened in December 2014 and has met multiple times since then to develop restitution collection recommendations. Chaired by the District Attorney's Office, the taskforce includes representatives from the departments of Sheriff, Probation, Auditor-Controller, Treasurer and Tax Collector (TTC), Chief Executive Office, Public Defender, Alternate Public Defender, and County Counsel.

This report provides background on the restitution collection issues highlighted by your Board's action, outlines initial concepts and recommendations developed by the taskforce, and identifies remaining areas to address prior to initiating local collection processes. The taskforce identified significant issues which will need to be addressed prior to implementing collections, such as required information technology enhancements, additional staffing needs, and the limited ability to fund this program on the 10% allowable administrative authorized by statute.

The report also addresses and makes initial recommendations for collecting restitution from individuals on Post-Release Community Supervision (PRCS) following their release from state prison and on mandatory supervision following incarceration in county jail on a PC 1170 (h) "split sentence." The development of a system that integrates collection from individuals regardless of their custody or supervision status is critical to ensuring effective and fair collection practices.

Restitution Background and Public Safety Realignment Impact

The California Constitution guarantees victims of crime the right to restitution under the Victims' Bill of Rights Act. There are two types of restitution obligations that may be imposed on a convicted offender:

- **Restitution Fines** – Restitution fines are a criminal offender's *debt to society*. State law requires that judges order offenders (adult or juvenile) to pay a restitution fine, set at the time of sentencing. Collected restitution fines are deposited into the State's Restitution Fund, which helps victims of violent crimes pay for related expenses. The imposition and collection of fines is critical for supporting past, present and future victims.
- **Restitution Orders** – Restitution orders reflect an offender's *debt to his or her victim*. State law requires that judges order offenders to pay restitution to their victims whenever an economic loss is suffered as a result of the crime. An individual's payment on restitution orders goes directly to his or her impacted crime victim. The taskforce's work and this report focus on the collection on such restitution orders.

Existing Restitution Collection Practices

Los Angeles County currently collects restitution from individuals under regular felony probation supervision. Following a comprehensive case review, Probation staff enters restitution amounts ordered by the Court in the department's Adult Probation System (APS), which interfaces with the TTC's Collections and Accounts Receivables System (CARS) to create a restitution record. CARS then generates billing notices to felony probationers with outstanding orders. TTC posts payments received to the designated account. TTC is responsible for the local distribution of restitution payments collected to the identified victim(s).

At the state level, the California Department of Corrections and Rehabilitation (CDCR) collects restitution from state prisoners by deducting 50 percent of all wage earnings and new deposits in a prison inmate's trust account if he or she has an outstanding restitution order. In addition, CDCR's Office of Victim's Services refers cases to the Franchise Tax Board to place liens on tax returns of individuals who have outstanding orders at the time of their release from prison.

Public Safety Realignment Impact

By shifting certain custody and supervision responsibilities from the State to counties, Public Safety Realignment created restitution collection gaps. Realignment legislation did not provide counties the statutory authority to collect from individuals sentenced pursuant to Penal Code 1170 (h) – including individuals both in custody and on mandatory supervision following a split sentence – or individuals released from prison on PRCS. These populations would have been subject to restitution collection efforts by the state prior to realignment implementation.

Sponsored by the Los Angeles County District Attorney's Office (LADA), legislative amendments to PC 2085.5 in 2012 and the addition of PC 2085.6 in 2015 addressed these statutory gaps and authorize your Board to designate collection agencies for these populations. The taskforce's initial recommendations for a local restitution collection process given this statutory authorization are discussed below.

Collections on Penal Code 1170 (h) Sentenced Cases and Including Subsequent Mandatory Supervision

PC 2085.5 authorizes the Board to designate an agency to collect restitution from inmates sentenced to county jail under realignment. The taskforce recommends that your Board designate the Sheriff's Department as the agency for the collection of victim restitution from the *in-custody* population sentenced per PC 1170 (h). *The Sheriff's Department may not be designated for this role without the Sheriff's agreement. Sheriff Jim McDonnell is supportive of this role for the department, contingent upon the availability of resources to manage the additional function.*

Furthermore, the taskforce recommends that your Board designate the Probation Department as the collection agency for individuals who are serving their *mandatory supervision period* in the community pursuant to a PC 1170 (h) split sentence – sentences that include both a custody and a supervision component.

The integration of existing stakeholder departmental systems will operate to capture restitution orders and fines, account for funds collection, and will facilitate distribution of funds to crime victims. The taskforce is committed to working toward an integrated automated solution. Existing departmental internal data systems for the District Attorney, the Sheriff's Department, Probation, and the Treasurer-Tax Collector (TTC) are being evaluated for systems interface that will allow for shared information among stakeholder departments. This interface will create an accounting of collected direct restitution and fines and will further allow for subsequent distribution to victims of crime. While the details of a full plan are still being developed, the taskforce proposes the following framework:

1. *Restitution order information will be transmitted to the Sheriff's Department by the District Attorney's Restitution Enhancement Program.* Existing case management and data systems do not currently support the automated transmission of restitution order information to the Sheriff's Department to initiate collection efforts. With the understanding that appropriate staffing levels will be allocated, LADA has committed to capturing and transmitting restitution order and fine information on PC 1170 (h) cases to the appropriate entities through CARS for a period of up to five years. Interfaces and modifications will have to be made to the existing Prosecutorial Information Management System (PIMS) used by District Attorney paralegal staff who will initiate the record. LADA staff will also capture and transmit victim contact information that will support restitution distribution to victims by the Treasurer-Tax Collector.
2. *The Sheriff's Department will collect 50 percent of each deposit into an inmate's trust account when there is a restitution order outstanding.* The Jailhouse Information Management System (JIMS) will be utilized to record collection from inmate wage and trust accounts. Inmates in county jail may establish trust accounts, through which family, friends, and others can deposit funds for commissary purchases in jail. PC 2085.5 authorizes the collection of up to 50 percent of each deposit into an inmate's trust account to support payment on outstanding restitution orders. The statute also allows for a 10

percent administrative fee to be imposed on actual amounts collected to support collections processes.

3. *The Sheriff's Department will transfer collected funds to the TTC for appropriate distribution.* The TTC will provide the Sheriff's Department access to CARS through an interface with JIMS to allow for the centralization of debtor account information, restitution victim data, collections, and distribution. Postings to JIMS transmitted to CARS will update the balances of the restitution order initiated in the system by LADA.
4. *The Probation Department will proceed with collection efforts on individuals who received a split sentence under PC 1170 (h) and who have been released from jail to their mandatory supervision period.* To collect from split-sentenced individuals in the community, Probation will utilize the same processes currently in place for felony probationer collection efforts. Because CARS will already have the restitution record initiated by LADA through PIMS and the in-custody collection history from the Sheriff's Department through JIMS, collections on split sentence cases will be coordinated beginning with custody through supervision by the Probation Department.
5. *The TTC will distribute the funds to victims following collection from inmate wage and trust accounts and from individuals on community supervision.* TTC will utilize the same processes currently in place to distribute restitution to victims.

Collections from Individuals on Post-Release Community Supervision (PRCS) Cases

PC 2085.6 authorizes the Board to designate an agency to collect on restitution orders from individuals on PRCS. The taskforce recommends that your Board designate this responsibility to the Probation Department.

1. *Probation will identify those individuals released from state prison on PRCS who have outstanding restitution orders and will subsequently collect from these individuals to obtain the balance of the remaining restitution.* In response to Probation's request, the CDCR has agreed to modify the PRCS pre-release packets sent to the County to include restitution orders and fines information when the inmate is released and whether the judgment of restitution and the fine amount was satisfied in state prison. In addition, the CDCR has agreed to abstain from referring subsequent collection efforts to the Franchise Tax Board (FTB) from a released inmate who comes under county supervision when the county has an operating collection mechanism pursuant to Penal Code section 2085.6
2. *Probation will review County records to determine if any restitution amounts were previously collected.* While local restitution collection processes seek to collect as much court-ordered restitution for victims as possible, Probation will review all collections history to guard against over-collection. Previous collections – at both the state and county level – will be posted to CARS to ensure an accurate accounting of restitution ordered and payments made.

3. *The Probation Department will proceed with collection efforts on individuals on PRCS.* If CARS does not have a restitution record already created for a given case, Probation will initiate the record. Consistent with current practices for restitution collection from felony probationers, CARS will generate and send billing notices and track payments received.
4. *The TTC will distribute the funds to victims following collection from inmate wage and trust accounts and from individuals on PRCS.* TTC will utilize the same processes currently in place to distribute restitution to victims.

Issues for Continued Discussion

While foundational components and recommendations have been developed, the taskforce does not recommend proceeding with collections at this time, as several issues still need to be resolved to ensure the County implements a restitution collection system that is effective, well-coordinated, and fair to all parties.

Information Technology Systems Enhancements – The taskforce has planned on the expanded use of the CARS system as a centralized countywide restitution collection system. Modifications to CARS, JIMS, and PIMS to meet that expanded functionality – as well as interfaces between it and applicable systems in the District Attorney’s Office and Sheriff’s Department – are priorities for pushing these collection efforts forward. The taskforce has formed a systems workgroup to explore these technical needs and resources that may be requested to implement them.

Staffing Models and Costs – Taskforce agencies are currently identifying costs to implement and maintain systems modifications and build interfaces that will facilitate the automated sharing of information that is necessary to support CARS as a centralized collections system. The taskforce is still identifying modifications and enhancements that will be needed for CARS, the District Attorney’s PIMS, and the Sheriff’s JIMS.

In addition to data systems improvement costs, taskforce agencies continue to review the proposed processes to identify changes to staffing models or resource allocations needed to support ongoing collections. For example, the initiation of the original record of restitution orders and fines by the District Attorney will require an increased number of paralegals. Currently, as submitted in the Budget Request for Fiscal Year 2015/2016, the District Attorney is seeking increased paralegal staffing through the creation of five new paralegal positions that will handle this new work and will increase restitution orders on behalf of victims in all criminal cases.

All taskforce agencies will experience an increased workload impact and will require additional resources to support restitution collection efforts. As the taskforce continues to quantify impacts and resource needs, the following will inform its discussions:

- **Two Month Study on Potential Collections from County Jail Inmates Sentenced Pursuant to 1170 (h)** – Data on the number of county jail inmates sentenced pursuant to PC 1170 (h) who have restitution obligations suggest that the proposed in-custody

collections processes are feasible. A study by the District Attorney's Office reviewed two groups of cases sentenced pursuant to PC 1170 (h). The first group included 249 cases sentenced in November 2014 and determined that 26 included orders of restitution and another 20 had a future court date set where restitution was anticipated. To begin the process of estimating potential restitution collection and workload impacts, the Sheriff's Department cross-referenced the 26 cases and matched them with 20 inmates with restitution orders in their custody with restitution orders ranging between \$365 to \$25,603. Of the 20 inmates, only 11 inmates received deposits into their inmate trust accounts over a five month period. A total of 66 deposits were made between the 20 inmates, totaling \$4,602 in deposits. If this program were in place, the Sheriff's Department could have collected \$2,301 to pay down the combined \$75,708 in victim restitution orders owed by this group.

The second group reviewed by the District Attorney's Office included 303 cases sentenced under PC 1170 (h), 39 cases of which included orders of restitution and another 32 cases which had a future court date set where restitution was anticipated. The Sheriff's Department cross-referenced the 39 cases and matched them with 35 inmates in their custody with restitution orders ranging between \$20 to \$745,029. Of the 35 inmates, 27 received one or more deposits into their inmate trust accounts, with a total of 137 deposits totaling \$9,217 processed over a five month period. If this program were in place, the Sheriff's Department could have collected \$4,609 to pay down the combined \$993,037 in victim restitution orders owed by this second group.

Given these two snapshots and the average length of time in custody on such cases, it is estimated that between 300 and 500 county jail inmates at any one time may be subject to collections from their inmate trust accounts.

- **10 Percent Administrative Fee** – The law provides for the imposition of a 10% administrative fee for the collection of restitution from individuals in custody. The 10% fee amount is based upon the amount of restitution collected on behalf of the victim. For collection efforts made while an individual is out of custody, actual costs incurred up to a maximum of 10 percent may be collected to support collection efforts. In order to effect collection, there must be a coordinated effort among stakeholders. An equitable agreement among the stakeholders to appropriately divide this fee is still under discussion and development.

It is difficult to project what the actual collection workload will be, however, because collection activity is determined by whether an individual actually has funds to collect. For the same reason, it is difficult to predict how much supporting revenue can be collected from the 10 percent fee. The taskforce is continuing to explore these matters so that the best estimated impact on workload and resource needs can be generated. However, initially it is clear that the 10% administrative fee will be insufficient to support cost associated with modifying IT structures and to support a coordinated effort of stakeholder departments.

Other Impacts – The taskforce fully supports the implementation of new collection processes but also recognizes that other areas of the justice system may be impacted by their introduction. Identifying potential impacts so that planning and mitigation measures can be implemented is an ongoing effort of the taskforce.

For example, the Sheriff's Inmate Welfare Fund (IWF) is a source of funds that is used for the benefit, education, and welfare of inmates confined within the jail. The fund – which supports a variety of in-custody programs and services – is partially funded by revenue generated by commissary sales in jail. While the percentage of inmates who would be subject to restitution collection is small, fewer funds in inmate accounts because of restitution efforts may translate into less revenue generated for the IWF due to reduced sales of commissary items.

Summary

Restitution is a right granted to crime victims by the California Constitution and is critical to efforts that attempt to make victims whole. In addition, public confidence in the justice system is enhanced when offenders are held accountable for their actions in a fair and evenhanded manner. Restitution is a key component of that accountability.

To that end, the taskforce continues its work on developing an effective and sustainable restitution collection and distribution system in Los Angeles County and will report back to your Board with a fully developed plan for approval prior to implementation. At this time, the taskforce makes the following recommendations:

Recommendation 1: The taskforce recommends with the Sheriff's concurrence that the Board of Supervisors designate the Los Angeles County Sheriff's Department as the agency authorized to collect victim restitution from inmates housed in county jail pursuant to a PC 1170 (h) sentence.

Recommendation 2: The taskforce recommends that the Sheriff's Department collect the maximum 50% allowed from deposits made into an inmate trust account when the inmate has an outstanding restitution order pursuant to a PC 1170 (h) sentence. The taskforce also recommends that the Sheriff's Department be authorized to impose an additional 10% of any amounts collected to support collection processes.

Recommendation 3: The taskforce recommends that the Board of Supervisors designate the Probation Department as the agency authorized to collect restitution from both the PRCS population and offenders on mandatory supervision following their release from county jail on a PC 1170 (h) split sentence. The taskforce also recommends that the Probation Department be authorized to impose an additional 10% of any amounts collected to support collection processes.

Recommendation 4: The taskforce recommends that TTC's collection role be expanded to support collection of restitution from all realigned populations and that CARS, or its successor system, be utilized as the centralized county restitution system.

Recommendation 5: The taskforce recommends that the Board direct CCJCC and the taskforce to report back in 90 days with the status of the restitution collection plan discussed in this report, including systems issues and resource needs.

Recommendation 6: The taskforce recommends that the Board of Supervisors designate the Los Angeles District Attorney's Office as the agency authorized to obtain court ordered fines and restitution on behalf of crime victims and to utilize and expand PIMS to initiate a digital record that is subsequently transmitted to the Sheriff's Department and the Probation Department through CARS in a centralized county restitution system in order to effect collection from criminal defendants.

If you have any questions, please contact Lydia Bodin of the District Attorney's Office at (323) 357-5334 or Mark Delgado, Executive Director of CCJCC at (213) 974-8399.

LB:MD:sv

c: District Attorney
Sheriff
Interim Chief Executive Officer
Acting Executive Officer, Board of Supervisors
Interim County Counsel
Chief Probation Officer
Auditor-Controller
Treasurer and Tax Collector

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To fully implement the proposed augmentations for VWAP and REP; the DA will require additional on-going resources of approximately \$1,158,000. The CEO set aside \$500,000 in PFU during the FY 2015-16 Recommended Budget in anticipation of this report. Based on our preliminary analysis, we recommend funding for seven VSR II's (\$500,000) for direct services for VWAP and five paralegals (\$439,000) for REP at a total cost of \$939,000. The VWAP VSR's costs are fully offset by the funds set aside in PFU. However, \$439,000 in additional funding will be required to fund the paralegals for REP.

As always, the CEO will continue to work with the DA to strengthen coordination, collaboration and capacity of services provided to victims of crimes. In addition, we will continue to support the DA as they revisit and refine their VSSP and identify any additional resources required beyond what is included in this initial report. Ultimately, the goal of the County is to improve the lives of crime victims by ensuring access to comprehensive services needed to rebuild their lives.

SAH:JJ:SK
SW:PVR:cc

c: Executive Office, Board of Supervisors
County Counsel
District Attorney
Sheriff
Probation

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